



CITY OF MEMPHIS

COUNCIL AGENDA

November 9, 2010

Public Session Tuesday, 3:30 p.m.

Council Chambers, First Floor, City Hall

125 North Main Street

Memphis, Tennessee 38103-2017

CALL TO ORDER by the Sergeant-at-Arms

INVOCATION

PLEDGE OF ALLEGIANCE

CALL OF ROLL by the Comptroller

APPROVAL OF PREVIOUS MEETING MINUTES (October 26, 2010)

ANNOUNCEMENT FOR APPEARANCE CARDS FOR PUBLIC SPEAKING

ITEMS HELD OR DROPPED FROM THE AGENDA

PRESENTATION AND RECOGNITION OF VISITORS (None)

PUBLIC HEARINGS

1. RESOLUTION approving a planned development located on the east side of N. Thomas Street, 260 feet north of Stage Road, containing 24.4 acres in an area currently governed by the conditions of the Frayser Business Center Planned Development (P.D. 07-310), Plat Book 245, Page 29. (Held from 9/28/; 10/26)

Ford

Case No. PD 10-312

Applicant: Memphis Wrecking Company
Nathan Bicks – Representative

Request: Amend planned development to allow public use of a previously approved demolition and construction landfill facility

LUCB and OPD recommendation: APPROVAL, with conditions

ACTION REQUESTED: Take whatever action Council deems advisable

33 NOTICES WERE MAILED ON OCTOBER 29, 2010

2. RESOLUTION approving a planned development located on the southwest corner of Poplar Avenue between North McLean Boulevard and North Auburndale Street, containing 12.68 acres in the Multiple Dwelling Residential (R-MM) District.

Ford

Case No. PD 10-314

Applicant: Catholic Diocese of Memphis (Bill Herbers)
Martin Regan, Jr. – Representative

Request: A Planned Development to allow the St. Peter's Village Campus to be separated into 3 lots to permit the individual sale of those lots

LUCB and OPD recommendation: APPROVAL, with conditions

ACTION REQUESTED: Take whatever action Council deems advisable

178 NOTICES WERE MAILED ON OCTOBER 29, 2010

DIVISION OF PLANNING & DEVELOPMENT

3. RESOLUTION approving a special use permit located on the south side of Ferguson Road; +/-160.90 feet west of Warren Road, containing 0.63 acre in the Multiple Dwelling Residential (R-MM) District.

Ford

Case No. SUP 10-227

Applicant: Harriet Jubilee Theatre
Tyrone Currie – Representative

Request: Allow a philanthropic institution/community center

LUCB and OPD recommendation: APPROVAL, with conditions

ACTION REQUESTED: Take whatever action Council deems advisable

No Opposition at LUCB; No Public Hearing Required

ZONING ORDINANCE – THIRD AND FINAL READING

4. **ORDINANCE** rezoning the west side of Raleigh LaGrange Road; 130' south of Goodlett Farms Parkway, containing 0.41 acre in the Single Family Residential (R-S6) District, up for T H I R D and F I N A L reading.

Ford

Case No. Z 10-113cc
Ordinance No. 5386

Applicant: Angella B. Battle
James Kincaide – Representative

Request: Local Commercial (C-L) District

LUCB and OPD recommendation: APPROVAL

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ACTION REQUESTED: Take whatever action Council deems advisable

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CONSENT AGENDA

GENERAL ORDINANCE - FIRST READING

5. **ORDINANCE** to amend Chapter 9 of the City of Memphis Code of Ordinances, to include Nondiscrimination based upon Sexual Orientation, Gender Identity or Expression, up for F I R S T reading.

Strickland

Ordinance No. 5388

ACTION REQUESTED: Adopt the ordinance on First reading

GENERAL ORDINANCES - SECOND READING (None)

ZONING ORDINANCE - FIRST READING (None)

ZONING ORDINANCE - SECOND READING

6. **ORDINANCE** rezoning the south side of Raines Road; 400 feet east of Marlin Road, containing 0.47 acre in the Single Family Residential (RS-10) District, up for S E C O N D reading.

Ford

Case No. Z 10-111

Ordinance No. 5387

Applicant: Robert T. Cooper, Jr.
James Kincaide – Representative

Request: Change zoning from Single Family Residential (RS-10) to Local Commercial General Office (O-G) Districts

LUCB and OPD recommendation: APPROVAL

ACTION REQUESTED: Adopt the ordinance on Second reading

ENGINEERING

7. **RESOLUTION** approving final plat of MOSAIC SUBDIVISION.

Case No. S 07-044

Contract No. CR-5165

Resolution approves the final plat located on the south side of Reese Road, west of Kate Bond Road. Cost of the required improvements to be borne by the developer. Resolution also authorizes the proper officials to execute the attached standard improvement contract.

City Engineer recommends approval

ACTION REQUESTED: Adopt the resolution

8. RESOLUTION approving sewer plan for SCS BUS BARN SEWER EXTENSION.
Contract No. CR-5166

Resolution approves the sewer plan located at the terminus of Grays Creek Drive, south of U.S. Highway 64. Cost of the required improvements to be shared between the City and the developer. Resolution also authorizes the proper officials to execute the attached standard sewer extension contract.

City Engineer recommends approval

ACTION REQUESTED: Adopt the resolution

NOTATIONS FROM OPD

9. NOTATIONS from Land Use Control Board that the following cases were heard and recommendation made requesting a date of public hearing:

A. Case No. SAC 10-604

Located on the south side of Monroe Avenue Extended, 130 feet west of Madison Avenue, containing .07 acre

Applicant: James H. Wolfe and Gracie Wolfe

Request: Close alley right-of-way

LUCB and OPD recommendation: APPROVAL, with conditions

B. Case No. PD 10-313 – Germantown-Knight Arnold P.D., 2nd Amendment

Located at the western terminus of Nonconnah View Cove; +/-465 feet west of Germantown Road, containing 8.70 acres in an area currently governed by Germantown-Knight Arnold P.D. 91-329

Applicant: TV6-W, LLC
Prime Development Group, Inc. - Representative

Request: Plan amendment to allow a cellular communications tower one-hundred fifty (150) feet in height of concealed canister monopole design with a capacity to accommodate a minimum of five (5) antennae in Area 'D'

LUCB and OPD recommendation: APPROVAL, with conditions

ACTION REQUESTED: Set a date of public hearing

SUGGESTED DATE: November 23, 2010



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MLGW FISCAL CONSENT

10. RESOLUTION approving Change No. 6 to Contract No. 11121, Customer Satisfaction Survey Process, with Renee Enterprises in the funded amount of \$35,334.00. (This change renews the contract for the fourth and final renewal term, January 1, 2011 to December 31, 2011, with no increase in rates).
11. RESOLUTION awarding contract for #57 washed limestone to Martin Marietta Materials in the amount of \$40,277.75.
12. RESOLUTION awarding contract for 900-MHZ remote radios to Edison Automation, Inc. in the amount of \$48,150.00.



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REGULAR AGENDA

13.
Strickland

APPOINTMENTS

Memphis Area Transit Authority

Reappointment

Mattie P. Carter

Memphis & Shelby County Cross Connection Board

Appointment

John H. McCormick

Pension Board of Administration

Appointment

Rowena Adams

GENERAL ORDINANCE -THIRD AND FINAL READING (None)

ENGINEERING DIVISION (None)

EXECUTIVE DIVISION

14. RESOLUTION amending the FY 2011 Operating Budget to accept funds in the amount of \$10,000.00 from Guilmenot Consulting, Inc., on behalf of Colgate-Palmolive Company for the Office of Youth Services and Community Affairs' Ambassadors Program.

Morrison

ACTION REQUESTED: Adopt the resolution

FINANCE & ADMINISTRATION

15. RESOLUTION to accept funding and amend the Fiscal Year 2010 Operating Budget to establish an additional appropriation for an equal disbursement for Facility Management Program expenses in the amount of \$1,545,000.00.

Morrison

ACTION REQUESTED: Adopt the resolution

16. RESOLUTION allocating a portion of the City of Memphis' allocation of Recovery Zone Facility Bonds in the amount of Eighteen Million Dollars (\$18,000,000.00) to certain bonds to be issued at the request of the Memphis Center City Revenue Finance Corporation and designating the use of such bonds.

Morrison

ACTION REQUESTED: Adopt the resolution

17. INITIAL RESOLUTION determining to issue not to exceed Sixteen Million, Five Hundred Thousand Dollars (\$16,500,000.00) Sanitary Sewerage System Revenue Bonds, Series 2010, of the City of Memphis, Tennessee for the purpose of financing improvements, additions and extensions to the City's Sanitary Sewerage System.

Morrison

ACTION REQUESTED: Adopt the resolution

18. RESOLUTION authorizing the issuance of not to exceed Sixteen Million, Five Hundred Thousand Dollars (\$16,500,000.00) principal amount of the Sanitary Sewerage System Revenue Bonds, Series 2010, of the City of Memphis, Tennessee for the purpose of financing improvements, additions and extensions to the City's Sanitary Sewerage System.

Morrison

ACTION REQUESTED: Adopt the resolution

DIVISION OF FIRE SERVICES

19. RESOLUTION appropriating \$657,700.00 in General Obligation Bonds from the FY 2011 CIP Budget for the Division of Fire Services to purchase Turnouts/Fire Protective Ensemble designated for the annual procurement of protective clothing for a total appropriation of \$657,700.00.

Lowery

ACTION REQUESTED: Adopt the resolution

DIVISION OF GENERAL SERVICES (None)

DIVISION OF HOUSING AND COMMUNITY DEVELOPMENT (None)

DIVISION OF HUMAN RESOURCES (None)

INFORMATION SERVICES (None)

LAW DIVISION (None)

MLGW DIVISION (None)

PARK SERVICES

20. RESOLUTION requesting City Council approval to execute a new 10 year contract between the City of Memphis, Tennessee through its Division of Park Services and the Alzheimer's Day Services of Memphis, Inc., for the continued management of Grashot Alzheimer's Day Care Center located in Kennedy Park.

Boyd

ACTION REQUESTED: Adopt the resolution

21. RESOLUTION appropriating \$275,000.00 in Contract Construction for CIP Project Number GA01008, Mud Island Major Maintenance to address repairs and maintenance issues on Mud Island.

Boyd

ACTION REQUESTED: Adopt the resolution

DIVISION OF POLICE SERVICES

22. RESOLUTION accepting grant funds in the amount of \$274,080.00 from the U.S. Department of Justice, sub awarded through Shelby County Government for the Encourage Arrest Policies and Enforcement of Orders of Protection Program. Resolution also amends the FY 2011 Operating Budget to establish and appropriate grant funds.

Lowery

ACTION REQUESTED: Adopt the resolution

23. RESOLUTION accepting grant funds in the amount of \$2,229,357.00 from the U.S. Department of Justice, Office of Community Oriented Policing for the COPS Hiring Recovery Program. This award extends the 2009 award for 37 officers, bringing Memphis Police Department to 50 officers funded; the maximum available under this program. Resolution also amends the FY 2011 Operating Budget to establish and appropriate grant funds.

Lowery

ACTION REQUESTED: Adopt the resolution

24. RESOLUTION accepting grant funds in the amount of \$350,000.28 from the Tennessee Department of Transportation Governor's Highway Safety Office for the Alcohol Saturation Patrols Program. This award to the Memphis Police Department provides primarily for personnel overtime support for the purpose of conducting the Alcohol Saturation Patrols. Limited funding is also provided for equipment necessary for the patrols and required training. Resolution also amends the FY 2011 Operating Budget to establish and appropriate grant funds.

Lowery

ACTION REQUESTED: Adopt the resolution

25. RESOLUTION appropriating \$210,000.00 for demolition with the low complying bid from B & W Excavating, for the Traffic Precinct, CIP Project Number PD02003, part of the FY 2011 Capital Improvement Budget funded by G.O. Bonds General.

Lowery

ACTION REQUESTED: Adopt the resolution

26. RESOLUTION accepting grant funds in the amount of \$15,000.00 from the Tennessee Department of Transportation Governor's Highway Safety Office for the Network Coordinator Law Enforcement Grant. This award to the Memphis Police Department provides primarily for personnel overtime support for the purpose of coordinating regional GHSO efforts. Limited funding is also provided for equipment necessary for the coordination efforts and required training. Resolution also amends the FY 2011 Operating Budget to establish and appropriate grant funds.

Lowery

ACTION REQUESTED: Adopt the resolution

DIVISION OF PUBLIC SERVICES

27. RESOLUTION approving a lease agreement with SCF Fleeting, LLC, as approved by the Board of Commissioners of the Memphis and Shelby County Port Commission on August 26, 2010.

Conrad

Contract No. CR-5164

ACTION REQUESTED: Adopt the resolution

28. RESOLUTION accepting and appropriating funds in the amount of \$10,000.00 from Shelby County Government for the Memphis and Shelby County Music Commission to be used only as a pass thru to the Memphis Music Matters Foundation for the sole purpose of the "We Are Memphis" CD Project.

Collins

ACTION REQUESTED: Adopt the resolution

DIVISION OF PUBLIC WORKS

29. RESOLUTION amending the FY 2011 Capital Improvement Budget by transferring an allocation of \$2,474,018.00 funded by Federal Grant Funds and \$618,504.00 funded by G.O. Bonds General from STP Repaving, Project Number PW01199 to STP Repaving Group 3, Project Number PW01202. Resolution also appropriates \$2,474,018.00 funded by Federal Grant Funds and \$618,504.00 funded by G.O. Bonds General in STP Repaving Group 3, Project Number PW01202 for a construction contract with Lehman Roberts.

Hedgepeth

ACTION REQUESTED: Adopt the resolution

30. RESOLUTION amending the Fiscal Year 2011 Capital Improvement Budget by transferring an allocation of \$289,803.00 from Construction to Architecture and Engineering for Construction, Engineering and Inspection (CEI) Services and other engineering cost in STP ADA Curb Ramp, Project Number PW04075. Resolution also appropriates \$393,639.00 funded by G.O. Bonds General and \$1,574,558.00 funded by Federal Grant Funds and in STP ADA Curb Ramp, Project Number PW04075 for a construction contract with GCM, Inc.

Hedgepeth

ACTION REQUESTED: Adopt the resolution

GENERAL ITEMS

31. RESOLUTION requesting the Administration conduct a study of discrimination in City Employment, including, but not limited to Sexual Orientation, Gender Identity or Expression.

Strickland

ACTION REQUESTED: Adopt the resolution

32. ELECTION OF 2011 City Council Chairman.

Collins

33. ELECTION of 2011 City Council Vice Chairman.

Collins

APPEARANCE CARDS FOR PUBLIC SPEAKING

ADJOURNMENT